

CLERKS OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
FILED

1/30/2019

JULIA C. DUDLEY, CLERK
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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

KATHERINE PAINTER,

Plaintiff

v.

BLUE RIDGE REGIONAL JAIL AUTHORITY, *ET*
AL.,

Defendant.

CASE NO. 6:17-cr-00034

ORDER

JUDGE NORMAN K. MOON

Before the Court is Plaintiff Katherine Painter's motion for attorney's fees pursuant to 42 U.S.C. § 1988. (Dkt. 66). Section 1988 provides that "[i]n any action or proceeding to enforce a provision of section[] 1983 . . . the court, in its discretion, may allow the prevailing party . . . a reasonable attorney's fee as part of the costs." 42 U.S.C.A. § 1988(b). Plaintiff claims the default judgment obtained against Defendant Farrar provides her with the necessary prevailing party status. (Dkt. 66 at 12). Because this Court vacated the default judgment, (dkt. 77), Plaintiff does not hold prevailing party status, thus her motion is **DENIED** as moot.

It is so **ORDERED**.

The Clerk of Court is hereby directed to send a certified copy of this Order to all counsel of record.

Entered this 30th day of January, 2019.


NORMAN K. MOON
SENIOR UNITED STATES DISTRICT JUDGE